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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,911	02/20/2004	Michael Kramer	MS307076.01/MSFTP589US	7200
27195 7590 04/18/2008 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER DUONG, OANH L	
			ART UNIT 2155	PAPER NUMBER
			NOTIFICATION DATE 04/18/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com  
hholmes@thepatentattorneys.com  
osteuball@thepatentattorneys.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/783,911	<b>Applicant(s)</b> KRAMER ET AL.	
	<b>Examiner</b> OANH DUONG	<b>Art Unit</b> 2155	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/14/07 & 03/19/08.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/19/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-40 are presented for examination.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 3, 5-7, 10-11, 13-15, 27, 29, 30, 32-34, and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, WO 02/01836 A2, in view of Ferrante et al. ("Ferrante"), US 6,915,278.

Regarding claim 1, Moore teaches a system that facilitates management of a subscription service, comprising:

a rules component that processes one or more rules in accordance with the subscription service of a subscriber (page 3 lines 16-20); and

a services component that uses the one or more rules to automatically enforce the subscription service, in part, according to the number of concurrently connected clients of the subscriber (i.e., page 8 lines 18-26).

Moore does not explicitly teach the one or more rules comprising a rule that automatically provides a license to a client, and prevents anonymous rotation of more clients that are authorized by the number dictated by the license.

Ferrante teaches improved license management system and method, wherein the authorized use of licensed software to multiplicity of computers and/or users is

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managed and controlled (abstract). Ferrante teaches one or more rules comprising a rule that automatically provides a license to a client, and prevents anonymous rotation of more clients that are authorized by the number dictated by the license (col. 1 line 65-col. 2 line 16).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Moore to include a rule that automatically provides a license to a client, and prevents anonymous rotation of more clients that are authorized by the number dictated by the license as taught by Ferrante because it was conventionally employed in the art to provide for license management.

Regarding claim 3, Moore teaches the system of claim 1 is employed in at least one of a client/server topology and a peer-to-peer topology (page 1 lines 19-24).

Regarding claim 5, Moore teaches the system of claim 1, each of the connected clients is placed on an active list of allowed clients (page 7 lines 31-33).

Regarding claim 6, Moore teaches the system of claim 1, if the number of concurrently connected clients is exceeded, no other clients of the associated subscriber are allowed to connect to the services component (page 7 line 31-page 8 line 21).

Regarding claim 7, Moore teaches the system of claim 1, the one or more rules include a rule that allows an unlimited number of concurrently connected clients for the associated subscriber (page 3 lines 16-20).

Regarding claim 10, Moore teaches the system of claim 1, further comprising an active list that is populated and depopulated dynamically according to a client respectively connecting to and disconnecting from the services component (page 3 lines 21-30).

Regarding claim 11, Moore teaches the system of claim 1 is employed in a peer-to-peer topology where one or more rules imposed by a first peer client are at least one of different, overlapping, and identical to one or more rules imposed by a second peer client (page 3 lines 16-20).

Regarding claim 13, Moore teaches a server that employs the system of claim 1 (server 26, Fig. 1).

Regarding claim 14, Moore teaches. A computer that employs the system of claim 1 (Fig. 1).

Regarding claim 15, this claim comprises a computer readable medium having stored thereon computer executable instructions for carrying out the system of claim 1, same rationale of rejection is applicable.

Regarding claims 27, 29 and 30, those claims recite limitations that are substantially the same as claim 1, same rationale of rejection is applicable.

Regarding claim 32-34, those claims recite limitations that are substantially the same as claim 1, same rationale of rejection is applicable.

Regarding claims 36-40, Moore teaches the system of claim 32, further comprising means for maintaining an active list of the existing clients that are concurrently accessing the service (page 8 lines 8-25).

4. Claims 2, 9, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, in view of Ferrante and Scoredos et al. ("Scoredos"), US 2004/0250127 A1.

Regarding claim 2, Moore teaches the system of claim 1.

The combination of Moore and Ferrante does not explicitly teach one or more rules that facilitate automatic enforcement of the subscription service according to at least one of a churn parameter and a frequency parameter.

Scoredos teaches method for controlling connections from an IP entity to a server (abstract). Scoredos teaches one or more rules that facilitate automatic enforcement of the subscription service according to at least one of a churn parameter and a frequency parameter (page 2 paragraphs [0023]-0041)).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Moore and Ferrante to include one or more rules that facilitate automatic enforcement of the subscription service according to at least one of a churn parameter and a frequency parameter as taught by Scoredos. One would be motivated to do so to restrict concurrent connection requests from specific clients to a pre-configured limit (Scoredos, page 2 paragraph [0024]).

Regarding claim 9, Moore-Ferrante-Scoredos teaches the system of claim 1, the one or more rules are applied automatically to a client of the subscriber as the client attempts to connect on an ad hoc basis (Scoredos, page 4 paragraph [0034]).

Regarding claim 28, this claim recites limitation that is substantially the same as claim 2, same rationale of rejection is applicable.

5. Claims 4, 31, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of, Ferrante and Chakraborty et al. ("Chakraborty"), US 2004/0054791 A1.

Regarding claim 4, Moore teaches the system of claim 1.

The combination of teachings of Moore and Ferrante does not explicitly teach clients each include a cookie that facilitates enforcement of the subscription service.

Chakraborty teaches system and method wherein user policies on web servers is enforced (abstract). Chakraborty teaches clients each include a cookie that facilitates enforcement of the subscription service (page 4 paragraph [0039]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination of teachings of Moore and Ferrante to include a cookie that facilitates enforcement of the subscription service as taught by Chakraborty. One would be motivated to do so to control user access to resources/services on web server independent of the platform they are running on (Chakraborty, page 2 paragraph [0015]).

Regarding claim 31, this claim recites limitation that is substantially the same as claim 4, same rationale of rejection is applicable.

Regarding claim 35, this claim recites limitation that is substantially the same as claim 4, same rationale of rejection is applicable.

6. Claims 8, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Ferrante and Kitamura, US 2002/0010630 A1.



Regarding claim 8, Moore teaches the system of claim 1.

The combination of teachings of Moore and Ferrante does not explicitly teach a tracking component the tracks client activity of the subscriber and facilitates billing the subscriber accordingly.

Kitamura teaches system and method wherein user charges may be increased or decreased according to the number of accesses (abstract). Kitamura teaches a tracking component the tracks client activity of the subscriber and facilitates billing the subscriber accordingly (page 3 paragraph [0044]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Moore and Ferrante to track client activity of the subscriber and facilitate billing the subscriber accordingly as taught by Kitamura. One would be motivated to do so to vary the charge to user according to the number of accesses.

Regarding claim 17, this claim recites limitations that are substantially the same as claims 1 and 8, discussed above, same rationale of rejection is applicable.

Regarding claim 18, Moore teaches the system of claim 17, the one or more rules enforced in accordance with the subscriber are at least one of the same, partially overlapping, and different then one or more rules enforced in accordance with a different subscriber (page 3 lines 16-20).

Regarding claim 19, Moore teaches the system of claim 17, if the number of concurrently connected clients is exceeded, no other clients of the associated subscriber are allowed to connect to the services component (page 7 line 31-page 8 line 21).

7. Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view Ferrante and Zhao, US 6,035,404.

Regarding claim 12, Moore teaches the system of claim 1.

The combination of teachings of Moore and Ferrante does not explicitly teach one or more rules further comprising a rule that limits an amount of churn per a specified time interval.

Zhao teaches system and method for managing user logins to a restricted computer service (abstract). Zhao teaches a rule that limits an amount of churn per a specified time interval (col. 1 line 6-8)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Moore and Ferrante to include a rule that limits an amount of churn per a specified time interval as taught by Zhao. One would be motivated to do so to enable a user to log in to the service when all the available login slots are currently being used (Zhao, col. 2 lines 1-6).

Regarding claim 16, Moore-Zhao teaches the system of claim 1, further comprising a classifier that facilitates the performance of rules processing according to an inference (Zhao, col. 6 lines 8-39).

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Ferrante, Kitamura and Zhao, US 6,035,404.

Regarding claim 20, Moore teaches the system of claim 17.

The combination of teachings of Moore, Ferrante and Kitamura does not explicitly teach the one or more rules further comprising a rule that limits an amount of churn per a specified time interval.

Zhao teaches system and method for managing user logins to a restricted computer service (abstract). Zhao teaches a rule that limits an amount of churn per a specified time interval (col. 1 line 6-8)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Moore, Ferrante and Kitamura to include a rule that limits an amount of churn per a specified time interval as taught by Zhao. One would be motivated to do so to enable a user to log in to the service when all the available login slots are currently being used (Zhao, col. 2 lines 1-6).

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Ferrante, Kitamura and Birk et al. ("Birk"), US 2005/0154887 A1.

Regarding claim 21, Moore teaches the system of claim 17.

The combination of teachings of Moore, Ferrante and Kitamura does not explicitly teach classifier that facilitates determining when to switch from storing client information locally to storing client information on the client.

Birk, in the same field of endeavor, teaches classifier that facilitates determining when to switch from storing client information locally to storing client information on the client (page 1 paragraph [0008]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination of teachings of Moore, Ferrante and Kitamura to determine when to switch from storing client information locally to storing client information on the client as taught by Birk. One would be motivated to do so to cause the user to have greater authorizations than intended (Birk, page 1 paragraph [0008]).

10. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao in view of Scoredos et al. ("Scoredos"), US 2004/0250127 A1.

Regarding claim 22, Zhao teaches a method of managing a subscription service, comprising:

providing access to a service in accordance with the subscription service (col.1 lines 31-49);

automatically controlling access to the service according to one or more rules that are based at least in part on a number of clients that are concurrently accessing the service (col.1 lines 43-52);

processing a churn rule of the one or more rules that facilitates control of how often one of the clients that are concurrently accessing the service can be replaced with a new client (col. 6 lines 1-39).

Zhao does not explicitly teach processing a frequency rule of the one or more rules that facilitates control of a number of times that one of the clients can access the service in a given period of time, and the one or more rules provide a mechanism that prevents a subscriber from adding an unlimited number of clients or rotating clients in and out of pool to effectively maintain service on a set of computers to which the subscriber is entitled.

Scoredos teaches method for controlling connections from an IP entity to a server (abstract). Scoredos teaches processing a frequency rule of the one or more rules that facilitates control of a number of times that one of the clients can access the service in a given period of time (page 2 paragraphs [0023]-0041]). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Zhao to process a frequency rule of the one or more rules that facilitates control of a number of times that one of the clients can access the service in a given period of time as taught by Scoredos. One would be motivated to do so to restrict concurrent connection requests from specific clients to a pre-configured limit (Scoredos, page 2 paragraph [0024]).

Ferrante teaches improved license management system and method, wherein the authorized use of licensed software to multiplicity of computers and/or users is managed and controlled (abstract). Ferrante teaches the one or more rules provide a mechanism that prevents a subscriber from adding an unlimited number of clients or rotating clients in and out of pool to effectively maintain service on a set of computers to which the subscriber is entitled (col. 1 line 65-col. 2 line 16). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Zhao to include a rule that automatically provides a license to a client, and prevents anonymous rotation of more clients that are authorized by the number dictated by the license as taught by Ferrante because it was conventionally employed in the art to provide for license management.

Regarding claim 23, Zhao teaches the method of claim 22, further comprising automatically enforcing at least one of the churn rule and the frequency rule to deny access to a new client seeking access to the service (col. 5 lines 29-35).

11. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao in view of Scoredos, Ferrante and Kitamura, US 2002/0010630 A1.

Regarding claim 24, Zhao teaches the method of claim 22, further comprising: processing the churn rule to allow a subscriber of the subscription service to exceed the churn rule as an event (col. 6 lines 1-39).

The combination of teachings of Zhao, Scoredos, and Ferrante does not explicitly teach billing the subscriber according to each event.

Kitamura teaches system and method wherein user charges may be increased or decreased according to the number of accesses (abstract). Kitamura teaches billing the subscriber according to each event (page 3 paragraph [0044]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination of teachings of Zhao, Scoredos, and Ferrante to bill the subscriber according to each event as taught by Kitamura. One would be motivated to do so to vary the charge to user according to each event.

Regarding claim 25, Zhao-Scoredos-Ferrante-Kitamura teaches the method of claim 22, further comprising: processing the one or more rules by allowing a subscriber of the subscription service to exceed selected ones of the one or more rules; changing a level of service to a new level of service according to the selected ones of the one or more rules that were exceeded; and thereafter, billing the subscriber at the new level of service (Kitamura, page 3 paragraph [0044]).

Regarding claim 26, Zhao-Scoredos-Ferrante-Kitamura teaches the method of claim 22, further comprising: processing the one or more rules by allowing a subscriber of the subscription service to exceed selected ones of the one or more rules; changing a level of service to a new level of service according to the selected ones of the one or more rules that were exceeded; and dropping back to the level of service after the

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selected ones of the one or more rules that were exceeded, have not been exceeded for a predetermined period of time (Kitamura, page 4 paragraph [0054]).

### ***Response to Arguments***

12. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OANH DUONG whose telephone number is (571)272-3983. The examiner can normally be reached on Monday- Friday, 9:30PM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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/Oanh Duong/  
Primary Examiner, Art Unit 2155